IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 427 OF 2004

Shri. Shekhar Chandrakant Khatu ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

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Shri. Sameer Vaidya, Advocate for the petitioner.

Ms. Sunita Mhatre, Adv. for the respondent No.2.

Shri. A.S. Shitole, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 2ND NOVEMBER, 2004

P.C.:-

1. Heard both sides.

2. Rule, Rule made returnable forthwith by consent.

3. The petitioner has preferred this petition for setting aside the order of this Court dated 25.9.2003. By the said order, Criminal Revision Application No. 44/2003 preferred by the petitioner came to be dismissed by a speaking order. The petitioner is now seeking that the order dated 25.9.2003 be set aside and the Revision Application be restored and heard on merits. It is pertinent to note that the order dated 25.9.2003

whereby Criminal Revision Application came to be dismissed, came to be challenged by prefering an S.L.P. in the Supreme Court. By order dated 30.1.2004 the said S.L.P. came to be disposed of. The said order reads as under:-

> Heard learned counsel for the petitioner.
>
> Delay condoned.
>
> No merits.
>
> The special leave petition is dismissed.

4. The Supreme Court has examined the merits of the matter and on finding that there was no merit in the matter, dismissed the same. In view of all the facts, no case is made out for interference. Rule is discharged.

5. An authenticated copy of this order be supplied to the parties.

6. Certified copy is expedited.